

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

HAROLD HARRIS; PASTOR ROBERT
TIPTON, JR.; DELTA SIGMA THETA
SORORITY, INC., DESOTO COUNTY
MS NAACP UNIT 5574

Plaintiffs,

No. 24-cv-289-GHD-RP

v.

DESOTO COUNTY, MISSISSIPPI;
DESOTO COUNTY BOARD OF
SUPERVISORS; DESOTO COUNTY
ELECTION COMMISSION; and DALE
THOMPSON in her official capacity as
DeSoto County Circuit Clerk.

Defendants.

PLAINTIFFS' MOTION TO ALLOW DISCOVERY TO PROCEED

Pursuant to Local Rule 16(b)(3)(B), Plaintiffs Harold Harris, Pastor Robert Tipton, Jr., Delta Sigma Theta Sorority, Inc., and DeSoto County MS NAACP Unit 5574, respectfully request that this Court allow all discovery to continue while it considers Defendants' motion to dismiss. *See* ECF 36.

Defendants' motion raises three different defenses. Defendant Thompson alone raises a jurisdictional defense that would trigger a stay under Local Rule 16(b)(3)(B). That jurisdictional question is straightforwardly answered in Plaintiffs' favor. The other two grounds are pursuant to Rule 12(b)(6) and do not entitle Defendants to a stay. As Plaintiffs explain in their memorandum in support of this motion, staying this case will do nothing but delay the discovery that the Parties

will have to undertake. Should Plaintiffs prevail, delay prolongs DeSoto County residents living in dilutive and unfair County districts.

Given these circumstances, it would be appropriate to allow discovery to proceed, and Plaintiffs respectfully request that the Court exercise its discretion pursuant to Local Rule 16(b)(3)(B) to do so.

Dated: November 25, 2024

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CERTIFICATE OF SERVICE

I, Daniel J. Hessel, do certify that on this day I filed the foregoing with the ECF System which sent notification to all counsel of record.

This the 25 day of November, 2024.

/s/ Daniel J. Hessel

Daniel J. Hessel